

WITHDRAWAL OF LEGAL SERVICES

Leaflet No. 12.



LEGAL AID BOARD

This leaflet is not an interpretation of the law.

LEAFLET No. 12

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Introduction

This leaflet sets out the circumstances and the procedures for the withdrawal of legal services by the Legal Aid Board.

Circumstances in which legal services may be withdrawn

- **Withdrawal of legal advice**

The Board may cease to provide legal advice where it considers that it is no longer reasonable for a person to continue receiving it. This can arise, for example, where the person does not comply with conditions attached to the granting of legal advice or because of the person's unreasonable behaviour, having regard to the particular circumstances of the case.

- **Withdrawal of legal aid**

The Board may withdraw legal aid either by revoking or terminating the legal aid certificate.

The Board may **revoke** a legal aid certificate where:

- a person has made an untrue statement as to his/her income or capital resources in the application for legal aid; or
- has failed to disclose any material fact.

Where a certificate is revoked, the person will be liable for the costs incurred by the Board in providing legal services.

The Board may **terminate** a legal aid certificate where, for example:

- the person is more than 21 days in arrears with respect to his/her contribution or is not in compliance with a condition attached to a certificate; or
- the person is no longer eligible for legal aid on financial grounds; or
- it considers that the legally aided person is behaving unreasonably.

Stages in the withdrawal of legal services

The stages involved in the withdrawal of legal services are as follows:-

- the Board forms the **intention** to withdraw legal services;
- the Board makes a **decision** to withdraw legal services;
- the applicant may seek to **review** a decision; and
- the applicant may **appeal** a decision.

At all stages the legally aided person is informed of the position in line with the procedure set out below and at any stage a decision may be made to continue to provide legal services.

When an intention to withdraw legal services has been formed, the relevant solicitor will be informed not, generally, to engage in any further work on behalf of the person.

Procedure for withdrawal of legal services

- **Intention** to withdraw legal services

Where the Board forms an intention to withdraw legal services, it will:

- notify the legally aided person in writing, either directly or through his/her solicitor;
- advise the legally aided person of the reason(s) for the proposed withdrawal of legal services; and
- advise the legally aided person of the right to show cause as to why legal services should not be withdrawn.

The Board will consider any submissions made by, or on behalf of, the legally aided person before taking a decision on the withdrawal of legal services.

- **Decision** to withdraw legal services

Where the Board decides to withdraw legal services, it will notify the legally aided person in writing, either directly or through his/her solicitor, of:

- the decision;
- the reason(s) for the decision; and
- the right to have the decision reviewed and /or appealed.

- **Review** of a decision

The review procedure should be used if there is further information relevant to the Board's decision.

A person wishing to seek a review of a decision must furnish any additional relevant information within one month of the notification of the decision, either directly to the Board or through his/her solicitor.

Where, on review, the Board upholds the initial decision, the person will be notified in writing of:

- the decision;
- the reason(s) for the decision; and
- the right to appeal the decision to an appeal committee of the Board.

- **Appeal** a decision

A person may appeal a decision of the Board, either through his/her solicitor or by writing directly to the Board. Any such appeal must be made within one month of the notification of the decision. An appeal committee will make a decision and notify the person in writing, either directly or through his/her solicitor, of its decision. If an appeal committee affirms the decision to withdraw legal services, the person will be advised of the reasons for the decision. If the appeal committee decides the person should continue to receive legal services, such services will be reinstated immediately.

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Legal Aid Board Information leaflets

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